



## COLORADO

### Air Pollution Control Division

Department of Public Health & Environment

Dedicated to protecting and improving the health and environment of the people of Colorado

#### ACTION:

#### APEN REQUIRED PERMIT EXEMPTED

RE: Perchloroethylene dry cleaning operations formerly required to obtain a permit solely due to Maximum Achievable Control Technology (MACT) Subpart M applicability

Dear Applicant:

Revisions to Colorado Regulation No. 3, effective April 14, 2014, included removal of the so-called catch-all provisions from Part A, Section II.D.1., and Part B, Section II.D. Sources subject to a federal New Source Performance Standard (NSPS) or National Emission Standard for Hazardous Air Pollutants (NESHAP) incorporated into Regulation Numbers 6 or 8 are no longer subject to Air Pollutant Emission Notice (APEN) reporting and construction permitting solely due to being subject to that NSPS or NESHAP. In the case of dry cleaning operations using perchloroethylene (perc) as a solvent, this typically refers to the requirements of MACT Subpart M. These sources will now typically only trigger APEN reporting and construction permitting requirements if the source's emissions exceed the reporting and permitting thresholds found at Part A, Section II.D.1.a and II.D.1.b, and Part B, Section II.D.2 and II.D.3. Please note there may be other reasons why a source whose emissions are below these thresholds still seeks to obtain a permit (e.g. to acquire a federally enforceable synthetic minor emission limit).

This exemption letter is effective once the Air Pollution Control Division (Division) receives your permit cancellation request for your emission unit that is exempt from permit requirements for **the following reasons:**

- Per Regulation No. 3, Part A, Section II.B.3.b., the unit is an individual emission point with uncontrolled actual emissions of any individual non-criteria reportable pollutant equal or greater than 250 pounds per year.
- The unit does not have uncontrolled actual emissions of any HAP in excess of 10 tons per year, and is therefore not a major source for HAPs.

Actual emissions calculated and reported will be billed for this source in accordance with and in the amounts and limits specified in the provisions of Colorado Revised Statutes section 25-7-114.1.

This exemption from permit requirements is issued in reliance upon the accuracy and completeness of information supplied by the applicant and is conditioned upon construction, installation and operation in accordance with this information and with representations made by the applicant or applicant's agents.

Please note, although exempt sources do not need air emission permits, they are still required to meet all applicable standards and regulations of the Air Quality Control Commission (AQCC) and other applicable federal standards (e.g. NSPS and MACT requirements). For potential applicable federal standards, refer to the table at the end of this letter. AQCC regulations include, but are not limited to:

- Visible emissions shall not exceed 20% opacity
- The odor requirements of Regulation Number 2.

If this dry cleaning unit is replaced with another unit, meeting the exemption criteria listed above, this exemption shall remain valid as long as a revised APEN is filed with the Division reflecting the change in equipment.

While this source is permit exempt, filing an APEN is still required to report emissions. A revised APEN shall be filed: (Reference: Regulation No. 3, Part A, Section II.C.)

- a. Annually whenever a significant increase in emissions occurs as follows:

#### For any criteria pollutant:

For sources emitting **less than 100 tons per year**, a change in actual emissions of five tons per year or more, above the level reported on the last APEN submitted; or

#### For any non-criteria reportable pollutant:

If the emissions increase by 50% or five (5) tons per year, whichever is less, above the level reported on the last APEN submitted to the Division.

- b. Whenever there is a change in the owner or operator of any facility, process, or activity; or
- c. Whenever new control equipment is installed, or whenever a different type of control equipment replaces an existing type of control equipment; or
- d. Whenever a permit limitation must be modified; or
- e. No later than 30 days before the existing APEN expires. The APEN associated with this exemption shall expire five years from submittal date. Please refer to the most recent annual fee invoice to determine the APEN expiration date for the emissions point associated with this exemption. For any questions regarding a specific expiration date call the Division at (303)-692-3150.

Any changes with respect to the original submittal that would result in the emission source no longer qualifying for the referenced exemption automatically nullifies this exemption.

An applicant may not omit any information regarding APEN or permit exempt emission units in any permit application if such information is needed to determine the applicability of Title V, Prevention of Significant Deterioration, or nonattainment New Source Review.

**For facilities subject to a Title V Operating Permit:**

Any emission unit subject to a federal rule (e.g. NSPS, MACT) or state rule (e.g. Regulation No. 7 requirement) must be included in your Operating Permit along with the applicable requirements. The Division requires written notice of these emission units within thirty days of commencing construction. Please see Permitting Guidance Memo 09-01 (scenario #7) for more detailed information on this requirement. All Permitting Guidance Memos can be found on the Division's website (<https://www.colorado.gov/pacific/cdphe/permitting-guidance-memos>).

Approved by the Stationary Sources Program  
Air Pollution Control Division

APEN Required/Permit Exempted

Full text of the Title 40, Protection of Environment Electronic Code of Federal Regulations can be found at the website listed below:

<http://ecfr.gpoaccess.gov/>

Source Category	Potential Applicable Requirement		
NATIONAL PERCHLOROETHYLENE AIR EMISSION STANDARDS FOR DRY CLEANING FACILITIES	Maximum Achievable Control Technology (MACT)	40 CFR Part 63	Subpart M

**For Dry Cleaners Subject to MACT Subpart M:**

It should be noted that although this source is exempted from permitting, it is still subject to the Federal MACT requirements of 40 CFR Part 63, subpart M - National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities, including but not limited to:

- a. The dry cleaning machine must be non-venting and equipped with a refrigerated condenser and a secondary carbon adsorber or equivalent device (a device that reduces perc vapors exiting the dry cleaning machine prior to the door opening). This condition is not required if the unit began operation after December 9, 1991.
- b. Each refrigerated condenser installed on a dry-to-dry machine shall be operated not to vent or release the air-perchloroethylene gas-vapor stream contained within the dry cleaning machine to the atmosphere while the dry cleaning machine drum is rotating.
- c. The owner or operator shall prevent air drawn into the dry cleaning machine when the door of the machine is open from passing through the refrigerated condenser.

- d. The owner or operator shall monitor on a weekly basis either of the following parameters:
  - i. The refrigeration system high pressure and low pressure during the drying phase to determine if they are in the range specified in the manufacturer's operating instructions, or
  - ii. The temperature of the air-perchloroethylene gas-vapor stream on the outlet side of the refrigerated condenser on a dry-to-dry machine, dryer or reclaiming machine with a temperature sensor to determine if it is equal to or less than 7.2°C (45 °F) before the end of the cool-down or drying cycle while the gas-vapor stream is flowing through the condenser. The temperature sensor shall be used according to the manufacturer's instructions and shall be designed to measure a temperature of 7.2°C (45 °F) to an accuracy of ±1.1°C (±2 °F).
- e. The carbon adsorber must be desorbed according to the manufacturer's specifications.
- f. The owner or operator shall close the door of each dry cleaning machine immediately after transferring articles to or from the machine, and shall keep the door closed at all other times.
- g. The owner or operator shall operate and maintain the system according to the manufacturers' specifications and recommendations.
- h. The owner or operator shall drain all cartridge filters in their housing, or other sealed container, for a minimum of 24 hours, or shall treat such filters in an equivalent manner, before removal from the dry cleaning facility.
- i. The owner or operator shall store all perchloroethylene and wastes that contain perchloroethylene in solvent tanks or covered solvent containers with no perceptible leaks
- j. The owner or operator shall inspect the following components at least once every two weeks for a small source (<140 gallons of perc used annually) or weekly for a large source (≥140 gallons of perc used annually at any point in the past or present) for perceptible leaks while the dry cleaning system is operating: hose and pipe connections, fittings, couplings, and valves, door gaskets and seatings, filter gaskets and seatings, pumps, solvent tanks and containers, water separators, muck cookers, stills, exhaust dampers, diverter valves, and all filter housings.
- k. Leak inspections shall be conducted at least once a month using a halogenated hydrocarbon detector or perc gas analyzer that is operated according to the manufacturer's instructions. The operator shall place the probe inlet at the surface of each component interface where leakage could occur and move it slowly along the interface periphery. Inspection results shall be recorded.
- l. The owner or operator shall repair all perceptible leaks detected within 24 hours. If repair parts must be ordered, either a written or verbal order for those parts shall be initiated within 2 working days of detecting such a leak. Such repair parts shall be installed within 5 working days after receipt.
- m. The owner or operator shall keep receipts of perchloroethylene purchases and a log of the following information and maintain such information on site and show it upon request for a period of 5 years: (A sample log form is included as Attachment B.)
  - (1) The volume of perchloroethylene purchased each month by the dry cleaning facility as recorded from perchloroethylene purchases; if no perchloroethylene is purchased during a given month then the owner or operator would enter zero gallons into the log.
  - (2) The calculation and result of the yearly perchloroethylene consumption determined on the first day of each month by summing the volume of all perchloroethylene purchases made in each of the previous 12 months.
  - (3) The dates when the dry cleaning system components are inspected for perceptible leaks and the name or location of dry cleaning system components where perceptible leaks are detected.
  - (4) The dates of repair and records of written or verbal orders for parts.

- (5) The date and pressure gauge or temperature sensor monitoring results.
- n. The owner or operator will retain onsite a copy of the design specifications and the operating manuals for each dry cleaning system and for each emission control device located at the dry cleaning facility.

In addition to these MACT requirements, all separator water must be stored in solvent tanks or containers with no perceptible leaks. The separator water container which is in use at the back of the machine must also be covered, with only a small opening to accommodate the drain tube from the machine.